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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13
14 v.
15 FRANCISCO JAVIER HERRERA-REYES,
16 Defendant.

CASE NO. 1:20-CR-00021-NONE-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: March 20, 2020
TIME: 8:30 a.m.
COURT: Hon. Dale A. Drozd

16 **STIPULATION**

17 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
18 through defendant's counsel of record, hereby stipulate as follows:

- 19 1. By previous order, this matter was set for status on March 20, 2020.
20 2. By this stipulation, defendant now moves to continue the status conference until April 3,
21 2020, and to exclude time between March 20, 2020, and April 3, 2020, under Local Code T4.
22 3. The parties agree and stipulate, and request that the Court find the following:
23 a) The government has represented that the discovery associated with this case
24 includes the defendant's Department of Homeland Security Immigration File, or A-File. All of
25 this discovery has been either produced directly to counsel and/or made available for inspection
26 and copying.
27 b) Counsel for defendant desires additional time to review that discovery, as well as
28 to review the Presentence Investigation Report. The Office of Probation has advised that a

1 continuance until the week of March 30, 2020 will be necessary to allow sufficient time to
2 produce that report to the parties for review.

3 c) Counsel for defendant believes that failure to grant the above-requested
4 continuance would deny him the reasonable time necessary for effective preparation, taking into
5 account the exercise of due diligence.

6 d) The government does not object to the continuance.

7 e) Based on the above-stated findings, the ends of justice served by continuing the
8 case as requested outweigh the interest of the public and the defendant in a trial within the
9 original date prescribed by the Speedy Trial Act.

10 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 et seq., within which trial must commence, the time period of March 20, 2020 to April 3, 2020,
12 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
13 because it results from a continuance granted by the Court at defendant's request on the basis of
14 the Court's finding that the ends of justice served by taking such action outweigh the best interest
15 of the public and the defendant in a speedy trial.

16 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
17 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
18 must commence.

19 IT IS SO STIPULATED.

20
21 Dated: February 21, 2020

22 MCGREGOR W. SCOTT
23 United States Attorney

24 /s/ LAURA D. WITHERS
25 LAURA D. WITHERS
26 Assistant United States Attorney
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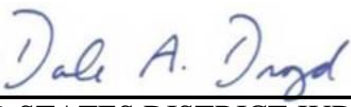
1 Dated: February 21, 2020

/s/ BENJAMIN A. GERSON
BENJAMIN A. GERSON
Counsel for Defendant
FRANCISCO JAVIER
HERRERA-REYES

6 ORDER

7 IT IS SO ORDERED.

8 Dated: February 21, 2020


UNITED STATES DISTRICT JUDGE